

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JAMES K. DAVIS and SHANA DAVIS	:	CIVIL ACTION
	:	
v.	:	
	:	
	:	
CITY OF CHESTER, <i>et al.</i>	:	NO. 08-3913

**ORDER**

AND NOW, this 9th day of September 2009, upon consideration of the motions for summary judgment and the responses thereto, it is ORDERED that:

1. The City of Chester's Motion for Summary Judgment is GRANTED. Judgment is entered IN FAVOR of Defendant, City of Chester, and AGAINST Plaintiffs, James K. Davis and Shana Davis. Judgment is entered IN FAVOR of Defendant, City of Chester, and AGAINST Defendant, Amtrak, on Amtrak's cross-claim.

2. Amtrak's Motion for Summary Judgment is GRANTED. Judgment is entered IN FAVOR of Defendant, Amtrak, and AGAINST Plaintiffs, James K. Davis and Shana Davis. Judgment is entered IN FAVOR of Defendant, Amtrak, and AGAINST Defendant, City of Chester, on City of Chester's cross-claim.

3. The Clerk is directed to mark the case-file CLOSED.

BY THE COURT:

/s/ John P. Fullam  
Fullam, Sr. J.